

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  FAIRPOINT COMMUNICATIONS SOLUTIONS CORP.	DOCKET NOS. TCU-00-50 WRU-00-80-3482
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**ORDER APPROVING APPLICATION, CONCURRENCE IN MAPS,  
AND GRANTING WAIVERS**

(Issued November 13, 2000)

On August 18, 2000, FairPoint Communications Solutions Corp. (FairPoint), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999), stating its intention to provide statewide facilities-based and resold local exchange services. Initially, FairPoint proposes to offer service in the exchanges served by Qwest Corporation, f/k/a U S WEST Communications, Inc. (Qwest), and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated (Iowa Telecom). The application has been identified as Docket No. TCU-00-50. FairPoint states that it will adopt the maps of the exchanges of the two incumbent local exchange carriers where it proposes to provide service. In addition, FairPoint has provided the qualifications of its company officers and financial statements and has agreed to support the 2-PIC methodology for dialing parity.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant

"possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest."

The Board has reviewed FairPoint's application and finds the necessary technical, financial, and managerial ability to provide local exchange service has been demonstrated. The Board finds that it is consistent with the public interest to approve the application.

FairPoint also states that its service area will mirror the service territory of Qwest and Iowa Telecom and concurs in their exchange and service area maps as they are now filed and as they will be modified in the future. Iowa Code § 476.29(4) requires that each certificate define the service territory in which land-line local telephone service will be provided and authorizes the Board to promulgate rules establishing requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have on file with the Board maps, which show exchange boundaries. The Board finds that FairPoint has complied with the statutory and rule requirements by concurring in the maps of the two incumbent local exchange carriers.

FairPoint has requested that the Board waive the requirements of 199 IAC 16.5(2), 18.2, and 22.3(2). The waiver requests were identified as Docket No. WRU-00-80-3482.

FairPoint requested a waiver of 199 IAC 16.5(2), which requires the keeping of records according to the uniform system of accounts. FairPoint states that it employs an accounting system in accordance with generally accepted accounting

principles (GAAP). The Board finds that this waiver should be granted, since records kept in accordance with GAAP accounting are acceptable for a competitive local exchange service provider.

FairPoint has requested that the requirements of 199 IAC 18.2 be waived. The rule requires that a regulated public utility keep its records in Iowa. The Board will grant the waiver based upon the statement of FairPoint that it will make the records available to the Board upon request.

FairPoint also requested the Board waive 199 IAC 22.3(1), requiring it to independently publish a directory. The Board will grant this waiver since FairPoint does not have a sufficient number of customers to warrant publishing a directory and FairPoint states that it will provide all directory information to the incumbent local exchange carrier for inclusion in its directory.

FairPoint has not filed proposed tariffs for Board approval setting out the service and rates for providing local exchange service. The Board finds that a certificate should not be issued to FairPoint until it has approved tariffs.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity filed by FairPoint Communications Solutions Corp. on August 18, 2000, is approved, subject to the requirement that follows.

2. The Board will issue a certificate of public convenience and necessity to FairPoint Communications Solutions Corp. upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service in Iowa. At the time FairPoint

Communications Solutions Corp. files proposed tariffs with the Board, it must give notice to all affected local exchange carriers.

3. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation, f/k/a U S WEST Communications, Inc., and Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated, is approved.

4. The waiver of 199 IAC 16.5(2), 18.2, and 22.3(2) is granted as described in this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 13<sup>th</sup> day of November, 2000.